

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION**

**CRIMINAL MINUTES – JURY TRIAL  
Day 13**

**Case No.: 4:18CR00000-001**

**Date: 11/5/2019**

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**Defendant: Marcus Jay Davis, custody**

**Counsel: Tony Anderson, Melissa  
Friedman, Bev Davis - CJA**

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PRESENT: JUDGE: Michael F. Urbanski, CUSDJ  
TIME IN COURT: 9:02-11:22; 11:42-1:46; 2:45-3:01; 3:12-6:06 7h 34m  
Deputy Clerk: Kristin Ayersman  
Court Reporter: Judy Webb  
U. S. Attorney: Ron Huber, Heather Carlton, Rachel Swartz  
USPO: none  
Case Agent: Devin Taylor, FBI TFO  
Interpreter: none

**LIST OF WITNESSES**

GOVERNMENT	DEFENDANT
1. Devin Taylor, FBI TFO 2. Harry Torres, Danville PD 3. Jamie High, Danville PD 4. Demetrius Staten 5. Michael Newman	1.

**PROCEEDINGS:**



Government presents evidence. Agent Taylor, sworn. Recess 11:22 Reconvene 11:42 Agent Taylor, still sworn. Cross. Redirect. Recross. Recess 1:46 Reconvene 2:45 Officer Torres, sworn. Court recesses to look at case law. Recess 3:01 Reconvene 3:12 US addresses case law. Court will not allow testimony re flight/consciousness of guilt. Jury returns to courtroom 3:21. Witness stands down, no cross, not excused. Detective High, sworn. Witness excused. Mr. Staten, sworn. Court dismisses jury for evening 5:08 – to return at 9am 11/6/19. Mr. Staten admonished not to discuss testimony – to return in morning. Court asks for additional authorities to consider issue re flight/consciousness of guilt further – US responds. Ms. Carlton addresses charging conference, jury instructions

– believes US will rest by Thurs p.m./Fri a.m., addresses housekeeping/ddls in 4:18CR12. Court notes 4:18CR12 is on appeal, does not have jurisdiction. Court will consider US motion, will address after review. Court asks about issue from this morning re GJ testimony. Mr. Newman is present. Mr. Huber responds. Court asks US to put Mr. Newman under oath, exhibits put into record. Mr. Newman, sworn. US A, B, C (SEALED by oral order of court – redacted copy to be filed), D (Sealed), E. Court directs Mr. Newman to look for envelopes of Special GJ testimony and provide a list of names to see if witnesses from that GJ are in this case. US F. Court admits US C, D and F under seal by oral order, redacted copies to be provided by US. Cross. Witness excused. Mr. Davis responds to US response to motion to dismiss [1070]. Adjourn 6:06.

☒ Defendant remanded to custody.

Additional Information:

Court addresses parties re briefs recently filed. Court notes state statute re state GJ transcripts and recordings, and directs US to produce testimony, under oath, from Mr. Newman of GJ testimony re 12/16/2017 date. US responds. Dft responds. Jury returns to courtroom 9:12.